

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	3

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1738, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 3 through 8, begin a new paragraph and insert:
- 2 "SECTION 3. IC 7.1-1-3-8.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2003]: **Sec. 8.5. "Certificate" means a tobacco sales certificate**
- 5 **for purposes of IC 7.1-3-18.5."**
- 6 Page 2, delete lines 30 through 42.
- 7 Delete page 3.
- 8 Page 4, delete lines 1 through 29, begin a new paragraph and insert:
- 9 "SECTION 7. IC 7.1-3-6-3 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. ~~Reasons for Permit:~~
- 11 The commission may issue a temporary beer permit only to:
- 12 ~~(a)~~ **(1)** Enable a fair, athletic event, barbecue, picnic, **wedding**
- 13 **reception**, convention, exhibition, spectacle or contest to be
- 14 publicly held and carried on; or
- 15 ~~(b) Accomodate~~ **(2) Accommodate** the institutional activities of

- 1 an association, society, charitable or benevolent organization, or
- 2 a branch of one (1) of these, or both."
- 3 Page 4, line 33, delete "Permit" and insert "**Certificate**".
- 4 Page 4, line 35, delete "permit" and insert "**certificate**".
- 5 Page 4, line 37, delete "tobacco sales permit" and insert
- 6 "**certificate**".
- 7 Page 4, line 39, delete "The" and insert "A".
- 8 Page 4, line 39, after "premises" insert "**consisting of a permanent**
- 9 **building or structure,**".
- 10 Page 4, line 42, delete "tobacco sales permit" and insert
- 11 "**certificate**".
- 12 Page 5, line 4, delete "one hundred" and insert "**fifty**".
- 13 Page 5, line 4, delete "(\$100)" and insert "(\$**50**)".
- 14 Page 5, line 5, delete "permit" and insert "**certificate**".
- 15 Page 5, between lines 6 and 7, begin a new paragraph and insert:
- 16 "(c) **The fees collected under this section shall be deposited in the**
- 17 **enforcement and administration fund under IC 7.1-4-10.**".
- 18 Page 5, line 7, delete "tobacco sales permit" and insert "**certificate**".
- 19 Page 5, line 9, delete "permit" and insert "**certificate**".
- 20 Page 5, line 10, delete "address." insert "**name.**".
- 21 Page 5, line 11, after "The" insert "**permanent**".
- 22 Page 5, line 12, delete "permit" and insert "**certificate**".
- 23 Page 5, line 13, delete "permit" and insert "**certificate**".
- 24 Page 5, line 14, delete "tobacco sales permit" and insert
- 25 "**certificate**".
- 26 Page 5, line 16, delete "permit" and insert "**certificate**".
- 27 Page 5, line 20, delete "tobacco sales permit" and insert
- 28 "**certificate**".
- 29 Page 5, line 22, delete "permit" and insert "**certificate**".
- 30 Page 5, line 22, delete "violates this title," and insert "**fails to pay**
- 31 **a civil penalty imposed for violating**".
- 32 Page 5, line 24, after "Before" insert "**imposing a civil penalty,**".
- 33 Page 5, line 24, after "suspending" insert ",."
- 34 Page 5, line 24, delete "permit" and insert "**certificate**".
- 35 Page 5, line 26, delete "permit" and insert "**certificate**".
- 36 Page 5, line 27, after "the" insert "**civil penalty,**".
- 37 Page 5, line 27, after "suspension" insert ",."

- 1 Page 5, line 28, delete "permit" and insert "**certificate**".
- 2 Page 5, delete lines 29 through 40, begin a new paragraph and
- 3 insert:
- 4 **"Sec. 6. If a certificate has:**
- 5 **(1) expired;**
- 6 **(2) been suspended; or**
- 7 **(3) been revoked;**
- 8 **the commission may not reinstate or renew the certificate until all**
- 9 **civil penalties imposed against the certificate holder for violating**
- 10 **IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7**
- 11 **have been paid."**
- 12 Page 5, line 41, delete "8." and insert "7."
- 13 Page 5, line 41, delete "tobacco sales permit" and insert
- 14 "**certificate**".
- 15 Page 6, line 1, delete "tobacco sales permit" and insert "**certificate**".
- 16 Page 6, between lines 3 and 4, begin a new paragraph and insert:
- 17 "SECTION 9. IC 7.1-3-23-16 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. ~~Revocation upon~~
- 19 ~~Conviction.~~ The commission may revoke a wholesaler's, retailer's, or
- 20 dealer's permit of any type after final judgment of conviction for an
- 21 offense defined in this title. The commission ~~shall~~ **may** revoke the
- 22 permit of a wholesaler, retailer, or dealer upon a second violation of a
- 23 provision of this title whether a judgment of conviction ensues or not."
- 24 Page 6, line 7, after "five" insert "**one hundred**".
- 25 Page 6, line 7, delete "(\$50)" and insert "**(\$150)**".
- 26 Page 6, line 7, delete "day" and insert "**year**".
- 27 Page 6, line 20 after "(\$10)." insert "**The fees collected under this**
- 28 **section shall be deposited in the enforcement and administration**
- 29 **fund under IC 7.1-4-10."**
- 30 Page 6, line 28, rest in roman "For a sale to take place under this".
- 31 Page 6, reset in roman lines 29 through 42.
- 32 Page 7, reset in roman lines 1 through 11.
- 33 Page 7, line 12, reset in roman "(e)".
- 34 Page 7, line 12, delete "(b)".
- 35 Page 7, line 21, delete "(c)" and insert "**(f)**".
- 36 Page 7, line 28, reset in roman "For a sale to take place under this".
- 37 Page 7, reset in roman lines 29 through 42.
- 38 Page 8, reset in roman lines 1 through 32.

- 1 Page 8, line 33, reset in roman "(e)".
- 2 Page 8, line 33, delete "(b)".
- 3 Page 8, line 42, delete "(c)" and insert "(f)".
- 4 Page 9, delete lines 3 through 42.
- 5 Delete page 10.
- 6 Page 11, delete lines 1 through 11.
- 7 Renumber all SECTIONS consecutively.
(Reference is to HB 1738 as introduced.)

and when so amended that said bill do pass.

Representative Lytle